

opposite end that is bondable with said new concrete section; wherein said insert is configured to mate with an elongated slot in a wall of at least one of the first and second concrete sections, the wall being generally perpendicular to a top surface of the at least one concrete section, and the slot being elongated generally along said wall.

16. (currently amended) The apparatus of claim 15, wherein said insert ~~has a~~ is generally flat ~~and oblong shape~~; having at least one arcuate edge.

17. (original) The apparatus of claim 15, wherein said insert has at least one internal cavity formed therein that is configured to bond with at least one of the adhesive and the new concrete.

18 (original) The apparatus of claim 15, wherein at least one exterior surface of said insert is textured to increase bonding of said insert with at least one of said adhesive and said new concrete.

19 – 31 (cancelled)

#### Remarks

Entry of the above amendments is respectfully requested. Claims 1-14 and 19-31 have been cancelled. Claims 15 and 16 have been amended. Claims 15-18 are currently pending. Reconsideration and allowance are respectfully requested in view of the above amendments and the remarks that follow.

In the Office Action, the Examiner rejected claims 15 through 18. Claims 15 through 17 were rejected as anticipated by *Ferm et al.*, U.S. Patent No. 6,052,964, and Claim 18 was rejected as obvious in light of *Ferm et al.* '964.

In response to Examiner's rejection of claim 15, the claim is amended to read:

An apparatus for joining a preexisting concrete section to a new concrete section, the apparatus comprising:  
a generally flat, elongated insert having a body formed of a composite material, said insert including a first end that is bondable with said preexisting concrete section, and a second opposite end that is bondable with said new concrete section *wherein said insert is configured to mate with an elongated slot in a wall of at least one of the first and second concrete sections, the wall being generally perpendicular to a top surface of the at least one concrete section, and the slot being elongated generally along said wall.*

As amended, claim 15 is not anticipated by *Ferm et al.* '964. *Ferm et al.* '964 does not teach an insert that is configured to mate with a slot that is elongated generally along the wall of a concrete section.

In response to Examiner's rejection of claim 16, the claim is amended to read: "The apparatus of claim 15, wherein said insert is generally flat having at least one arcuate edge." The change is supported by the application at lines 20 – 22 of page 4 which read "... the insert may be a generally flat elongated object with an arcuate outer edge that is preferably configured to mate with the slot in the preexisting concrete." The recited joint tie insert of is configured to engage a slot cut by a circular saw as outlined at lines 9 – 10 of page 5 and lines 17 – 18 of page 9 of the application. Therefore, the recited joint tie insert of claim 16 requires at least one arcuate edge to engage the slot cut by a circular saw. In contrast to the recited joint tie insert, *Ferm et al.* '964 does not disclose a joint tie with an arcuate edge that would be suitable to use in a slot cut by a circular saw.

In response to Examiner's rejection of claim 17, the Examiner cites *Ferm et al.* '964 as anticipating this invention. Claim 17 depends from claim 15, which has been amended. Therefore, claim 17 is no longer anticipated by *Ferm et al.* '964. *Ferm et al.* '964 does not teach an insert with internal cavities that is configured to mate with a slot that is elongated generally along the wall of a concrete section.

It is urged that claim 18 is not obvious in light of *Ferm et al.* '964. The Examiner cites no suggestion or motivation for one skilled in the art to combine the teachings of *Ferm et al.* '964 with the concept of roughening the surface of the joint tie. It is believed that without a motivation or suggestion to combine the teachings of *Ferm et al.* '964 with the concept of

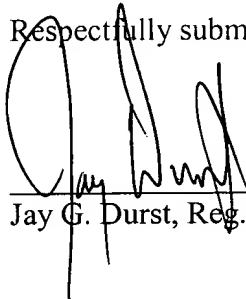
roughening the surface, it would not be obvious to one skilled in the art to combine the two teachings.

**Conclusion**

In view of the present amendments and above remarks, independent claim 15 is novel and non-obvious. Moreover, claims 16-19, each being dependent from allowable claim 15, are likewise allowable. An indication in this regard is believed to be in order and the same is respectfully requested.

Applicant believes there is no fee due in connection with this filing. However, if there is any fee due in connection with the filing of this Reply, please charge the fee to our Deposit Account No. 50-1170. Should the Examiner have any questions or wish to discuss this further, she is invited to contact Applicant's representative at the number below.

Respectfully submitted,

  
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